

Application. No.: 10/720,841
Filing Date: November 24, 2003
Response dated: April 20, 2007
Reply to Office Action of: October 20, 2006

REMARKS

Claims 1-20 were pending in this application. Claims 13-18 and 20 have been withdrawn. Claims 1-12 and 19 have been have been rejected. Claims 1 and 19 have been amended. Therefore, Claims 1-12 and 19 are pending in the Application. Reconsideration of the application based arguments submitted below is respectfully requested.

Claim Rejections under 35 U.S.C. 112

Claims 1-12 and 19 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants have amended Claims 1 and 19 to address a thermoplastic pitch. No new matter was added.

Claim Rejections under 35 U.S.C. § 102(e) and §103(a)

Claims 1, 2, 6-12 and 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by Haung et al. (6,699,427).

Claims 2, 3, 4 and 19 have been rejected under 35 U.S.C. § 103(a) as being obvious over Haung et al. (427) in view of Kalnins (4,252,513).

Claims 1-4 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalnins (513) in view of Sohda (5,523,035).

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Claims 5-10 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Kalnins (513) Sohda (035), Shaver (4,444,894), Klett (4,252,513), Ho (5,037,626), Niwa (5,525,558) and Prevorsek (5,556,704).

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatch (4,166,145) in view of Kalnins (513) and Sohda (035).

These rejections are respectfully traversed. Reconsideration and withdrawal thereof are requested.

Haung et al. (427) is not Prior Art

In regard to Haung et al. (427), Applicants respectfully offer that Haung et al. (427) is not applicable prior art. Applicants respectfully offer the included declaration of Irwin C. Lewis as support. Mr. Lewis is a named inventor in the current application and a named inventor in the Huang, et al. '427 patent. Mr. Lewis, as supported by the accompanying laboratory notebooks and index records, presents a showing of facts to establish completion in this country of the invention claimed in the current application before the Huang, et al. '427 patent effective date. As such, Haung et al. (427) is not applicable prior art and Applicants respectfully request reconsideration and withdrawal of the rejections based thereon.

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Claims 1-12 and 19

Applicants would like to respectfully point out that applicable legal standards can be found in earlier submitted responses.

In regard to Claim 1, amended claim 1 teaches, among other features, a method of forming a composite material. The method comprises combining carbon-containing fibers, a carbonizable matrix material which includes a thermoplastic pitch, and a friction additive to form a mixture, heating the mixture to a sufficient temperature to melt at least a portion of the matrix material by applying an electric current to the mixture and applying a pressure of at least 35 kg/cm² to the mixture to form a compressed composite material. Support for these amendments can at least be found in the specification as originally filed.

Claims 2-12 are dependent back to patentability distinct Claim 1, and include features not disclosed in the prior art. As such, Claims 2-12 are patentable.

In regard to Claim 19, amended claim 19 teaches, among other features, a method of forming a composite material comprising compressing a mixture of carbon fibers, a matrix material which includes a thermoplastic pitch, and a friction additive, wherein said additive comprises at least one of a carbide, an oxide,

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isotropic coke, and combinations thereof. Support for these amendments can at least be found in the specification as originally filed.

Applicants have commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicants hereby reserve the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicants respectfully note that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Amendment and Response to Deposit Account 23-0035.

Respectfully submitted,

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